

REMARKS

Claims 1-9, 14, 25-29 and 32-38 have been rejected as obvious over Kung (US 5,850,470) in view of Christi (US 20040176891). Kung does not classify an occupant of a vehicle as the Examiner states. Kung *identifies* a person (for example, for accessing an ATM), but only if that person is known in the database. Kung provides no “classification” of the person. Therefore, claims 1 and 25 are not anticipated by Kung.

Further, there is no point in “classifying” a person (not an “occupant of a vehicle”) with the invention of Kung. The purpose of Kung is to *identify* people, such as for an “ATM, access control, surveillance, and video conferencing.” (col. 1, lines 18-19). It would be insufficient to *classify* a person using an ATM - - the person must be *identified*. Therefore, it makes no sense to modify Kung to *classify* people.

Further, all of the algorithms in Kung are directed toward comparing the face of the person with stored images in a database in order to identify a person. None of these teachings would be useful in *classifying* a person. In particular, none of these teachings would be useful for *classifying* a person as “adult or child,” as claimed.

Christi does not disclose classifying a person based upon a spatial feature matrix. Christi does classify an occupant, but not based upon a spatial feature matrix. Therefore, even if the references were somehow combined (which does not make sense), the claims would still not be met.

If any additional fees are due, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds, P.C. for any additional fees.

Respectfully submitted,
CARLSON, GASKEY & OLDS

/John E. Carlson/
John E. Carlson
Registration No. 37,794
400 W. Maple, Suite 350
Birmingham, MI 48009
(248) 988-8681

Dated: April 18, 2008